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10/786,023	02/26/2004	Franco Modigliani	056105-5002	2925
9629	7590	08/19/2008	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				NGUYEN, HIEP VAN
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/786,023	MODIGLIANI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	HIEP NGUYEN	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 5/29/2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 and 31-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27, 31-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. Claims 1-27 and 31-42 have been examined. Claims 1-18, 21, 22, and 25-27 are amended, claims 28-30 have been cancelled, and claims 31-42 are new.

### ***Response to Amendment/Arguments***

2. Independent claim 1 has been amended to include limitations directed to a “method” in replacement to a “system”. Independent claims 1, 12, and 25 have been amended to include limitations directed to over a network of payment networks, associating a unique identifier, a holder of said account, configured to allow withdrawals by said account holder only and to allow a plurality of deposits to be made at different times, receiving data over network of payment.

3. In the remark filed 05/29/2008, Applicants argue that Thomas et al. does not disclose (1) the method of allowing payors to make payments to payees of their choices and payors not to need for waiting the payees’ the appropriate unique identifiers from a trusted party, and (2) the unique identifier being available to users of an internal portal or search engine.

4. In response to Applicant’s argument (1), the Examiner respectfully disagrees on the part of defining the trusted party. Thomas et al. discloses a method of payment between a payor and payee by a third party using a universal identifier number ('272; Col. 6 lines 53-65; i.e. bank account, routing number) as compared with the unique identifier. Therefore given the broadest reason interpretation to one of ordinary skill in

the art, it is submitted that the universal identifier number is used in a form of the unique which is acting on behalf of Applicant's system identifier as the third party.

5. Furthermore in Applicant's argument (2), Thomas et al. disclose the universal identifiers stored in data storage available for the users (i.e. bank, payors, payees) with the public accessibility to the identifiers ('272; Col. 10, lines 5-57.) Therefore given the broadest reason interpretation to one of ordinary skill in the art, it is submitted that the universal identifier number is stored in network database available for the public accessibility of the users (as argued by the Applicant.)

Therefore, the Examiner maintains the rejection to Applicants'claims.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim1 is rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (U.S. 6,173,272).

3. With respect to claim 1, Thomas et al. teaches a system for conducting financial transactions, comprising: an account residing at a financial institution; and a unique identifier linked to an account holder, the unique identifier being publicly available;

wherein the account receives deposits using the unique identifier (Abstract, Col. 5, lines 15-30.)

4. With respect to claim 2, Thomas et al. teaches the system of claim 1, further comprising at least one directory for associating the account holder with the unique identifier (Col. 4, lines 37-42, Col 8, lines 24-30, Col 10, lines 4-12.)
5. With respect to claim 3, Thomas et al. teaches the system of claim 2, wherein the directory functions as a root directory for synchronizing content with other directories containing a plurality of unique identifiers associated with a plurality of accounts residing at a plurality of financial institutions (Col. 5, lines 15-34, Col 10, lines 12-24.)
6. With respect to claim 4, Thomas et al. teaches the system of claim 2, wherein the directory associates the account holder with the financial institution (Col. 4, lines 43-48, Col 8, lines 23-34.)
7. With respect to claim 5, Thomas et al. teaches the system of claim 2, wherein the directory is adapted to make deposits directly to the account (Col. 10, lines 12-24.)
8. With respect to claim 6, Thomas et al. teaches the system of claim 5, wherein the directory is adapted to withdraw funds from a depositor's account and deposit the funds directly into the account (Col 5, lines 15-34, Col 10, lines 12-24.)
9. With respect to claim 8, Thomas et al. teaches the system of claim 1, wherein the account is linked to a standard financial account (Col. 5, lines 15-30.)
10. With respect to claim 9, Thomas et al. teaches the system of claim 8, wherein funds are transferred automatically from the account to the standard financial account (Col. 5, lines 45-55.)

Art Unit: 3626

11. With respect to claim 11, Thomas et al. teaches the system of claim 1, wherein funds are deposited into the account from a merchant or service provider that accepts payment with a credit card (Col. 6, lines 26-35.)

12. With respect to claim 12, Thomas et al. teaches a method of conducting a financial transaction, comprising the steps of: providing a payer with a unique identifier that is publicly available; directing the payer to an account residing at a financial institution, the account being associated with the unique identifier; and depositing funds into the account using the unique identifier (Col. 5, lines 35-56.)

13. With respect to claim 13, Thomas et al. teaches the method of claim 12, further comprising the step of directing the payer to the financial institution where the account resides (Col. 5., lines 58-67.)

14. With respect to claim 14, Thomas et al. teaches the method of claim 12, further comprising the step of providing a real-time confirmation of the financial transaction (Col. 10, lines 52-57.)

15. With respect to claim 15, Thomas et al. teaches the method of claim 12, further comprising the step of providing a directory for directing the payer to at least one of the account and the financial institution (Col. 4, lines 5-15.)

16. With respect to claim 16, Thomas et al. teaches the method of claim 15, wherein the directory is adapted to withdraw funds from a payer's account (Col 5, lines 15-34, Col 10, lines 12-24.)

17. With respect to claim 17, Thomas et al. teaches the method of claim 16, wherein the directory makes deposits directly from the payer's account to the account (Col. 10, lines 12-24.)
18. With respect to claim 19, Thomas et al. teaches the method of claim 12, wherein the account is linked to a standard financial account (Col. 5, lines 35-55.)
19. With respect to claim 20, Thomas et al. teaches the method of claim 19, wherein the funds are transferred automatically to the standard financial account (Col. 5, lines 45-55.)
20. With respect to claim 22, Thomas et al. teaches the method of claim 12, wherein funds are deposited into the account from a merchant or service provider that accepts payment with a credit card (Col. 7, lines 66-67, Col. 8, lines 1-4.)
21. With respect to claim 23, Thomas et al. teaches the method of claim 12, wherein the account is linked to more than one standard financial account (Col. 5, lines 35-55.)
22. With respect to claim 24, Thomas et al. teaches the method of claim 23, further comprising the step of providing real-time confirmation of a financial transaction to more than one standard financial account (Col. 10, lines 52-57.)
23. With respect to claim 25, Thomas et al. teaches a system for conducting financial transactions, comprising: a plurality of accounts residing at a plurality of financial institutions, each of the accounts having a unique identifier linking an account holder with the account, the unique identifiers being publicly available; a plurality of directories providing the unique identifier for an account holder; and a root directory for synchronizing information contained in the plurality of directories (Col. 5, lines 15-34.)

Art Unit: 3626

24. With respect to claim 26, Thomas et al. teaches the system of claim 25, wherein the root directory is adapted to make deposits into the plurality of accounts (Col. 10, lines 12-24, Col. 16, lines 46-54.)

25. With respect to claim 27, Thomas et al. teaches the system of claim 26, wherein the directory is adapted to withdraw funds from a depositor's account and deposit the funds directly into the plurality of accounts (Col 5, lines 15-34, Col 10, lines 12-24.)

26. With respect to Claim 31, Thomas et al. teaches (New) the system of claim 1, wherein said Internet portal is associated with said financial institution ('272; Col. 10, lines 13-38).

27. With respect to Claim 32, Thomas et al. teaches (New) The system of claim 1, wherein said Internet portal is a search engine available with no sign-in requirement to users of the Internet ('272; Col. 22, lines 26-51).

28. With respect to Claim 33, Thomas et al. teaches (New) The system of claim 1, wherein said Internet portal is available to a portable computing device (Fig. 2B CPU – network; Col. 10, lines 13-39).

29. With respect to Claim 34, Thomas et al. teaches (New) The system of claim 33, wherein said portable computing device comprises a cellular telephone ('272; Col./line 9/61-10/3).

30. With respect to Claim 35, Thomas et al. teaches (New) The method of claim 12, wherein said Internet portal is associated with said financial institution ('272; Col. 10, lines 13-38).

Art Unit: 3626

31. With respect to Claim 36, Thomas et al. teaches (New) The method of claim 12, wherein said Internet portal is a search engine available with no sign-in requirement to users of the Internet ('272; Col. 22, lines 26-51).

32. With respect to Claim 37, Thomas et al. teaches (New) The method of claim 12, wherein said Internet portal is available to a portable computing device (Fig. 2B CPU – network; Col. 10, lines 13-39).

33. With respect to Claim 38, Thomas et al. teaches (New) The method of claim 37, wherein said portable computing device comprises a cellular telephone ('272; Col./line 9/61-10/3).

34. With respect to Claim 39, Thomas et al. teaches (New) The system of claim 25, wherein said internet portal is associated with said financial institution ('272; Col. 10, lines 13-38).

35. With respect to Claim 40, Thomas et al. teaches (New) The system of claim 25, wherein said Internet portal is a search engine available with no sign-in requirement to users of the Internet ('272; Col. 22, lines 26-51.)

36. With respect to Claim 41, Thomas et al. teaches (New) The system of claim 25, wherein said Internet portal is available to a portable computing device (Fig. 2B CPU – network; Col. 10, lines 13-39.)

37. With respect to Claim 42, Thomas et al. teaches (New) The system of claim 42, wherein said portable computing device comprises a cellular telephone ('272; Col./line 9/61-10/3.)

***Claim Rejections - 35 USC § 103***

38. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

39. Claim1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. in view of Diveley et al. (U.S. 7,165,052.)

40. With respect to claim 1, Thomas et al. teaches the limitations using a universal identifier. However, Thomas et al. does not directly show the unique identifier. Diveley et al. teaches the unique identifier (col. 1, lines 62-64, col. 3, lines 22-25.) Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas et al. as taught by Diveley and include Diveley's unique identifier in Thomas et al.

41. With respect to claims 7, 10, 18, and 21, Thomas et al. does not disclose the limitations using a credit card provider. However, Diveley et al. teaches the credit card provider (Col. 1, lines12-20, Col. 2, lines 30-33.) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas et al. as taught by Diveley and include Diveley's credit card provider in Thomas et al.

***Conclusion***

42. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIEP NGUYEN whose telephone number is (571)270-5211. The examiner can normally be reached on Monday through Thursday 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HIEP NGUYEN/  
Examiner, Art Unit 3626

/C Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626